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Written statement* submitted by the Jammu and Kashmir Council for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Please recycle

Indian administered Jammu and Kashmir – violence against women

The story about the suffering of Women of Jammu and Kashmir, Muslim women in particular at the hands of non-Muslim Rulers, has been told at the League of Nations and The United Nations. English lady Dr. Kathleen Vaughan, who was head of Kashmir State Women's Hospital, told the story for the first time to a medical member of the League of Nations in Geneva. She is the Florence Nightingale for raising her voice in the defence of women of Indian administered Kashmir.

Dr. Kathleen Vaughan's word with the medical member of League of Nations, caused a stir and Viceroy of India asked the Hindu ruler in Kashmir to act without delay. Abdul Karim a State police officer was ordered to visit chief towns of India to search for Kashmiri women in houses of ill-fame, held against their will. Many women were freed through this intervention. Tyndale Biscoe helped Abdul Karim to publish his findings in a pamphlet to create awareness.

The abuse and violence committed against Kashmiri women came to light for the first time, when an Englishman Arthur Brinkman wrote his book Kashmir Oppressed-Wrongs of Kashmir in 1868, and highlighted that the Dogra Ruler earned 15-25% State revenue from licensing the prostitution in Kashmir. Young Muslim girls from lower social classes like Bhangis (scavengers) and Hanjis (fishermen) were lured into fake marriages and were sold into houses of ill-fame all over British India. The State recognised the child trafficking and child girls were trafficked to places like Rawalpindi, Lahore, Peshawar, Quetta, Delhi, Mumbai and Lucknow.

Child trafficking was officially recognised by the State and the purchase of the girl child by the pimps and brothel-keepers was registered and sealed on stamped paper. The children sold for prostitution were normally fooled into believing that they would be married off. For most poor parents marriage was not an option because the Dogra administration taxed marriages as well. The tax of a marriage was usually high and beyond the reach of the poor parents. Muslims were slapped with a Khutna tax (circumcision tax) as well.

The most abhorrent part of female exploitation was that at the death of a prostitute "all the wealth gathered by the prostitutes, during their infamous life" would revert to the Hindu ruler. Brinkman writes that, "Should one of their bondwomen or dancing girl attempt to leave her degrading profession, she is driven back with the lash and the rod into her mistress's power. These facts are certain". Prostitutes were classified as Class I, Class II and Class III according to 'gratification' which included the consideration of age, income, looks and caste of the prostitute.

Later in 1920s a local barber from Gawkadal, Muhammad Subhan Hajam emerged as a social reformer. He recruited volunteers to fight against prostitution. Subhan Naayid as locals called him, would appear with a dholak (drum) and amid chanting of slogans (which he wrote himself) would urge people to refrain from going to prostitution. He got a petition signed by over 700 people, including Church Mission Society, Tyndale Biscoe, Molvi Mohammad Abdullah Vakil and other Kashmiri Muslims, Pandits, and Sikhs and presented to the district magistrate in Srinagar, seeking a ban on prostitution. His petition was accepted and prostitution was banned.

Unfortunately, the entry of Indian soldiers into the State in 1947 to date, their massive build up ever since, and utter disregard for a UN discipline on their number, behaviour and location has wronged the women, girl-child and children in Kashmir.

Rape has been used as a weapon of war against the Muslims in the State since 1990, by the Indian soldiers, 99% of whom are Hindus. These soldiers are from poor, primitive, uneducated and communal backgrounds and do not have any regard for military code of conduct. The gang rape of over 30 Kashmiri women between the ages of 14 and 87 years in Kunan-Poshpora on the intervening night of February 23 and 24 in 1991, duly reported to UN Human Rights Commission and Sub Commission and Human Rights Council, continues to echo in the court rooms of Kashmir. Many

victims have died carrying the shame of rape with them and the surviving ones are jostled from pillar to post by the justice system.

Supreme Court of India on 9 March 2015 stayed the proceedings against the Indian security forces including the directions given by the J&K High Court to pay 'compensation' to the survivors. Besides monitoring the payment of 'compensation' to the victims, the division bench of the High Court was monitoring the investigation ordered by a judicial magistrate. Indian courts are failing the women of Kashmir in their fight to redeem their honour.

Indian security forces and army have created circumstances that overwhelm the endurance of women and these forces operate above law. The death of around 100,000 males since 1990 and the daily loss of life has created a gender deficit. There are thousands of widows and thousands of Kashmiri young girls, who may not find a male partner. These households have been left without an earning male in the family. For the first time in 144 years in the history of Kashmir from 1846-1990, a non-Kashmiri and a non-State person has been able to wade into the privacy of the home and assault women. Women are beaten in their homes, on the streets and outside their homes on a daily basis, to make an example out of them.

Men are languishing in prisons, youth have involuntarily disappeared and the profiled youth have gone into hiding. The females are left to fend for the family and despair for the days ahead. Indian administered Jammu and Kashmir has surfaced as the poorest State in India. Patten and Chinar sex rackets of 1980s and the VIP sex scandal that surfaced in 2006 are indicators that Kashmiri women have fallen on hard times and the administration has a plan to humble and destroy the community fabric in Kashmir Valley.

The plight of the Kashmiri women and the future of the girl child in the Indian administered part of Kashmir is abysmal for any description. One example here might assist the Human Rights Council, NGOs, Intergovernmental organizations and other institutions, to understand, the life to which a Kashmiri Muslim woman is driven by the circumstances created by the presence of Indian soldiers.

Zeba Begum a widow and mother of two unmarried daughters works eight hours at the Government Middle School in Adipora, Kunzar, Baramulla as cleaner, peon and chowkidar (watchwoman) on a salary of Rs. 50 (Fifty Rupees) a month since 1985. Apart from performing these jobs, she also cooks midday meals for children. Gender abuse in Kashmir is a policy to starve, humble, disgrace and coerce families into submission. Teachers and students of a school, are witness to this abuse of a widowed female for the last 32 years.

Kashmiri women and girl-child are insecure in their own home and in their own State. They are land locked and cannot have a life or future outside Kashmir. The Kashmiri males travelling to various States of India for work or for study remain a suspect twenty-four hours a day, seven days a week. They are denied accommodation in hotels and the local communities refuse to accept them as tenants. Many students and workers from Kashmir have been murdered by Hindu fanatics.

Another example of harassment and violence against women is the treatment meted out to the wife of Kashmiri leader Shabir Ahmad Shah by the Enforcement Directorate of National Investigation Agency of India. On 30 January 2018 The Enforcement Directorate of National Investigation Agency of India summoned, once again Dr Bilques Shah wife of Shabir Shah and was questioned for seven hours. Enforcement Directorate asked her the same questions which she had answered many times earlier, about her job, livelihood, education of children, bank details, earnings, property, etc.

Dr. Bilques Shah objected to questions, whose answers she had already given in writing many times before. She was advised by the Assistant Director Enforcement Directorate that the previous Enforcement Officer had been transferred out to his parent department and he was totally fresh to the case, so needed to have all the details once again. Shah's nephew was also questioned for 10-12 hours from morning 11am to evening 10pm. on 29 January 2018, to harass the family.

Shabir Shah heads Democratic Freedom Party and is part of Joint Resistance Movement in Kashmir. He is 62 years old and has spent most of his life in prison or under house arrest. In 1992 Amnesty International adopted him as a Prisoner

of Conscience. He is being held in Tihar jail since July 2017 and was denied bail on 22 August 2017 and 31 January 2018. Dr. Bilques Shah has to travel from Srinagar to Delhi to assist her husband and to answer the Enforcement Directorate. Treating a Doctor, a mother and a wife in this manner and playing 'wolf' and the 'lamb' with her is a shame. Families of other Kashmiri leaders arrested by Enforcement Directorate and held in Tihar jail, face the same abuse and harassment.